

**ANDERSON TOWNSHIP BOARD OF ZONING APPEALS
JANUARY 6, 2022**

The Anderson Township Board of Zoning Appeals held its regular monthly meeting, duly called, on January 6, 2022, at 5:30 p.m. at the Anderson Center. Present were the following members:

Jeffrey Nye, Paul Sheckels, John Halpin, Steve Haber, and Paul Sian

Also, present when the meeting was called to order, PJ Ginty, Planner I, Brad Bowers, Secretary, Scott Lawrence, Alternate, Amy Richardson, Alternate. A list of citizens in attendance is attached.

Staff was asked to raise their right hand and swear or affirm to the following oath as read by **Mr. Nye**: Do you swear or affirm, to tell the truth, the whole truth and nothing but the truth, so help you God?

Staff replied "yes" to the oath issued by Mr. Nye.

Approval of Agenda

The Agenda for January 6, 2022 was approved by unanimous consent with no objections from the Board.

Approval of Minutes

The Minutes for December 2, 2021 were approved, as amended, by unanimous consent with no objections from the Board.

Consideration of Case 24-2021 BZA and Case 25-2021 BZA

Mr. Ginty stated that the public hearing is for Case 24-2021 BZA and Case 25-2021 BZA, which are both variance requests. The requests were filed by Candi Mancini of Ashford Homes, on behalf of Clough Chase LLC and Ashford Homes LLC, property owners of 2104 and 2108 Clough Chase Drive, both zoned "B" Residence.

Mr. Ginty stated for Case 24-2021 BZA, the applicant is requesting a variance to allow a 4' x 5' temporary sign to be posted on the property for twelve (12) months where only forty-eight (48) days is permitted, per Article 5.5, E, 10 of the Anderson Township Zoning Resolution.

Mr. Ginty stated the applicant requesting a time extension for the 4' x 5', temporary sign located at 2104 Clough Chase Drive. The applicant is requesting for the sign to be posted for a total of 12 months.

Mr. Ginty stated for Case 25-2021 BZA, the applicant is requesting a variance to allow a 4' x 5' temporary sign to be posted on the property for a period of time exceeding the maximum permitted 48 days a year, per Article 5.5, E, 10 of the Anderson Township Zoning Resolution.

Mr. Ginty stated the history of the property for Case 24-2021 BZA: In May 2019, a Planned Unit Development application for the Clough Chase Subdivision was denied by the Anderson Township Zoning Commission. A revised subdivision plat was resubmitted for a subdivision that met the underlying requirements for the "B" Residence zoning district, which was approved by the Hamilton County Regional Planning Commission in September 2019.

Mr. Ginty stated in November 2019 a zoning certificate was issued for the existing "sales" sign at 7844 Clough Pike, which was the address of the Clough Chase Subdivision property before it was subdivided. This sign was incorrectly installed in the right-of-way and was to be removed once the permanent subdivision entry sign went into place.

Mr. Ginty stated the property was purchased by the current owner in August 2020. In November 2020, a zoning certificate was issued for the permanent, monument style, subdivision entry sign. In September 2021, Township staff noted that the "sales" sign that was to be removed after the permanent sign went into place still had not been removed. Further, it was noted that the permanent subdivision sign was installed at 2105 Clough Chase Drive rather than 2104 Clough Chase Drive. After notifying the applicant of the zoning violations, a variance application was submitted to allow the temporary "sales" sign to be moved outside the right of way and remain in place for twelve (12) months. In November 2021, a zoning certificate was issued for the permanent subdivision entry sign at 2105 Clough Chase, and the zoning certificate that was issued for this sign on 2104 Clough Chase was voided.

Mr. Ginty stated the history of the property for Case 25-2021 BZA: In May 2020, a zoning certificate was issued for a single-family residence and in June 2020, this zoning certificate was revised to include a concrete pad in the rear yard area. The single-family house is used as the Model Home for the Clough Chase Subdivision. The property was purchased by the current owner in November of 2020.

Mr. Ginty stated at the December 2, 2021 BZA meeting, the applicant requested that the hearing for Case 24-2021 BZA and Case 25-2021 BZA be continued to the January 6th, 2022 BZA meeting.

Mr. Ginty stated the findings for Case 24-2021 BZA:

Mr. Ginty stated staff is of the opinion that the variance could be substantial. The proposed sign is located at the corner of Clough Chase Drive and Clough Pike, which is a highly traveled roadway for motorists. Further, the sign has been installed since November 2019 and was to be removed in November 2020.

Mr. Ginty stated the essential character of the neighborhood could be altered by the sign. In addition to the sign in question, there is an existing permanent subdivision sign for the Clough Chase Subdivision at 2105 Clough Chase Drive, and a proposal for temporary sign for the property to the north at 2108 Clough Chase Drive, as outlined in Case 25-2021 BZA.

Mr. Ginty stated the variance would not adversely affect the delivery of governmental services.

Mr. Ginty stated the property owner's predicament can be feasibly obviated through some method other than a variance. The property owner could install a smaller temporary sign up to 8 square feet, which is permitted in residential areas without a time limit. Without a variance, the sign was to be removed in November 2020.

Mr. Ginty stated staff is of the opinion that the spirit and intent behind the zoning requirement may not be observed, and substantial justice may not be done by granting the variance based on the visibility of the sign on a highly traveled roadway, the existing subdivision entry sign across Clough Chase Drive, the proposed sign in Case 25-2021 BZA, and the fact that the sign has been posted since November 2019 and was to be removed in November 2020.

Mr. Ginty stated the findings for Case 25-2021 BZA:

Mr. Ginty stated staff is of the opinion that the variance would not be substantial. The sign is located within the subdivision on Clough Chase Drive, off of Clough Pike.

Mr. Ginty stated the essential character of the neighborhood would not be altered by the sign. The sign is landscaped and well-maintained. The sign is also located on the Model Home property for the Clough Chase Subdivision. Further, the sign is located over 135' from Clough Pike.

Mr. Ginty stated the variance would not adversely affect the delivery of governmental services.

Mr. Ginty stated the property owner's predicament can be feasibly obviated through some method other than a variance. Without a variance the sign would be taken down within forty-eight days of installation. The property owner could install a smaller temporary sign up to 8 square feet, which is permitted in residential areas without a time limit.

Mr. Ginty stated staff is of the opinion that the spirit and intent behind the zoning requirement would be observed, and substantial justice done by granting the variance based on the distance from Clough Pike and the fact that the property is used as a model home for the Clough Chase Subdivision.

Mr. Ginty stated the staff recommended condition for Case 24-2021 BZA: 1.) That the sign be removed within 12 months of the issuance of the zoning certificate or if all the properties are sold, whichever comes first.

Mr. Ginty stated the staff recommended condition for Case 25-2021 BZA: 1.) That the sign be removed within 18 months of the issuance of the zoning certificate or if the property is sold, whichever comes first.

Mr. Ginty stated he'd be happy to answer any questions.

Mr. Haber asked to see a picture of the proposed sign.

Mr. Ginty replied and shared an image of the proposed sign.

Mr. Haber asked if the proposed location is different than the existing location.

Mr. Ginty replied yes, the sign is proposed to be 35' from the property line.

Mr. Haber asked for clarification on the site plan.

Mr. Ginty explained the site plan and the location of the existing and proposed signage location.

Ms. Candi Mancini, 6355 E Kemper Road, 45241, stated she is the Operations Manager for Ashford Homes. She stated when she first started working at Ashford Homes, this was handed to her. She stated the sign was placed in the right-of-way in the incorrect spot as they were trying to capture the attention of motorists on Clough Pike. She explained the content on the sign and stated that they received several calls and inquiries initially due to the sign. She stated they are proposing to move it outside the right-of-way behind the concrete sidewalk and for the sign to be posted for twelve (12) months. She stated only five (5) of fifteen (15) lots in the subdivision have been sold due to the price point. She explained the sign at the model home and stated that it's currently landscaped. She stated she was under the impression that the developer had obtained a permit for the sign and that the sign will be removed when the model home is sold.

Mr. Nye asked if the same sign would be moved outside of the right-of-way or if it would be a new sign.

Ms. Mancini stated it would be the same sign.

The public hearing was closed at 5:51 p.m.

Deliberation of Case 24-2021 BZA and Case 25-2021 BZA

The board discussed the variance requests to allow two (2) 4' x 5' temporary signs to be posted on the properties for a period of time exceeding the maximum permitted 48 days a year, per Article 5.5, E, 10 of the Anderson Township Zoning Resolution.

Decision and Journalization of Case 24-2021 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve Case 24-2021 BZA with four (4) conditions.

Vote: 5 Yeas

Decision and Journalization of Case 25-2021 BZA

Mr. Haber moved, and **Mr. Sian** seconded to approve Case 25-2021 BZA with three (3) conditions.

Vote: 5 Yeas

Decision and Journalization of Case 19-2021 BZA

Mr. Haber moved, and Mr. Sian seconded to approve Case 19-2021 BZA with six (6) conditions.

Vote: 5 Yeas

Decision and Journalization of Case 20-2021 BZA

Mr. Haber moved, and Mr. Sian seconded to approve Case 20-2021 BZA with two (2) conditions.

Vote: 5 Yeas

Election of the Officers

Mr. Haber moved, and Mr. Sian seconded to elect Mr. Sheckels as Chair, Mr. Halpin as Vice-Chair and Mr. Haber as secretary for 2022.

Vote: 5 Yeas

The next meeting is scheduled for Thursday, February 3rd, 2022, at 5:30 p.m. at the Anderson Center.

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

Jeffrey Nye, Chair



THURSDAY, JANUARY 6, 2022 AT 5:30 P.M.
ANDERSON CENTER, 7850 FIVE MILE ROAD

PLEASE PRINT - THANK YOU

NAME:

ADDRESS:

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